



THE UNITED STATES PATENT AND TRADEMARK OFFICE

ITW

In re Akira NAKAGAWARA, et al.

Serial No.: 10/570,346

Group Art: 1649

Filed: June 6, 2006

Attorney Docket No.: 7388/88083

Confirmation No.: 1857

Customer No.: 42798

Title: AGENT FOR PREVENTION AND/OR TREATMENT OF ALZHEIMER'S DISEASE

RESPONSE TO RESTRICTION REQUIREMENT DATED OCTOBER 18, 2007

Honorable Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant(s) respond to the Requirement for Restriction dated October 18, 2007. The Election/Restrictions detailed in Paragraph No. 1 suggest the present application includes 9 different inventions. Applicant(s) respectfully traverse inasmuch all of the claims subject matter can and should be examined responsibly and reasonably in one application. The effort to carve the application up does not seem to reflect consideration of the economic penalty foisted on Applicant(s). Filing divisional applications for "nine" groups inventions will only add to the PTO backlog, increase dependency, and offer no substantive benefit.

The requirement for restriction is fundamentally flawed in an additional respect. The Examiner cannot enforce non-existent regulations. For instance, the requirement for restriction notably applies rules alleged to be effective November 1, 2007 as if the rules were effective. The U.S. District Court issued an injunction on October 31, 2007 prohibiting the rules from becoming effective.

Nonetheless, Applicant(s) choose Group 2, comprised of claims 2-3, which are drawn to a screening method wherein a candidate drug inhibits the interaction between AICD and p53 in neurons.

Applicant(s) accordingly submit the Restriction Requirement should be withdrawn in its entirety.
Favorable action on the merits is believed to be in order and such notice is courteously solicited.

Date: November 19, 2007



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